

# **EASTERN IDAHO PUBLIC HEALTH DISTRICT BOARD OF HEALTH**

## **BY-LAWS**

### **PREAMBLE**

The purpose of these BY-LAWS is for the internal administration of Eastern Idaho Public Health District (EIPHD) Board of Health, and is subject to the statutes and rules of the State of Idaho. The policies and business affairs of this organization shall be conducted by a District Board of Health pursuant to Idaho Code, Title 39, Chapter 4. State Statute and Idaho Code shall in all cases supersede these By-Laws.

### **SECTION 1: MEMBERS**

All appointments to the District Board shall be confirmed by a majority vote of all the County Commissioners of all the counties located within the Public Health District. Vacancies shall be filled by the Boards of County Commissioners within the District, acting jointly, and confirmed for a term of five years, subject to reappointment. One member shall also consist of a licensed physician, if available, which shall serve as a representative at large (representing all eight counties). In the case where a licensed physician term expires, it may be renewed at the request of the physician, subject to approval of the Board, and confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. In cases where the physician's term is expiring and he/she does not wish to continue on the board, a notice of the vacancy will be sent to all physicians in the district asking them to notify the district director if he/she is interested in filling the position.

The Board will interview interested physician candidates and select the best qualified applicant willing to serve on the Board. If no physician is available to serve on the Board, then it shall be so noted in the minutes and the Board shall consist of eight board members until such time as a physician can be found.

Terms of office for each District Board of Health member commence on July 1.

### **SECTION 2: DUTIES OF MEMBERS OF DISTRICT BOARD OF HEALTH**

The District Board shall have the control and policy setting functions of the District Health Department operation. Members of the District Board of Health shall in all cases act as a Board, regularly convened, by a majority vote, adopt any such rules and regulations for the conduct of meetings and the management and operation of the Department as they deem proper, consistent with requirements of these By-Laws and laws of the State of Idaho.

### **SECTION 3: APPOINTMENT OF A DISTRICT HEALTH DIRECTOR**

The District Board of Health shall appoint a District Health Director who shall be the Secretary of the Board and Administrative Officer of the Board. The Director shall serve at the pleasure of the Board and shall be responsible for the internal administration of the Department.

#### **SECTION 4: MEETINGS, NOTICE OF MEETINGS, QUORUMS**

Meetings, Notice of Meetings and the Establishment of a Quorum are subject to the provisions of Idaho Code Section 39-412 and 67-2340, et seq.

Notice of Meetings shall be given to each Board member by any of the following methods: in person, by telephone, e-mail, or by mailing to him/her at his/her given post office address at least three days before the date therein designated for such meeting.

The District Board shall hold such meetings as may be necessary for the orderly conduct of its business, and such meetings may be called upon seventy-two (72) hours notice by the Chairman, or a majority of the members.

At any meeting of the District Board of Health, four members of the Board shall constitute a Quorum for the transaction of routine business. If a quorum is not present to convene a meeting, the meeting will be cancelled and the Chairman will declare the date of new meeting no sooner than three days hence.

Telephone conferences among a quorum of the Board for the purposes of discussion or deliberation on any matter upon which the Board may eventually make a decision shall be prohibited unless the provisions of the Open Meeting law are met. However, the Secretary (Director), Chairman, or other member of the Board may use a telephone conference call for the purpose of disseminating information on an emergency basis in order to convene a meeting or as otherwise necessary.

- **Section 4(A). MINUTES OF MEETINGS.** The District Board of Health shall provide for taking of written minutes of all of its meetings, which minutes shall be subject to Idaho Code 67-2344, available to the public, and shall include the following information:
  - (1) all members of the Board present;
  - (2) all motions, resolutions, orders or ordinances proposed and their disposition;
  - (3) the results of all votes, and upon the request of a member, the vote of each member, by name.
- **Section 4(B). EXECUTIVE SESSION MINUTES.** Shall conform to the open meeting law.

#### **SECTION 5: SPECIAL MEETINGS OF DISTRICT BOARD OF HEALTH**

Special meetings may be called by the Chairman or Secretary at any time, or by written request of three members of the District Board. No other business except that called for will be transacted at a special meeting. Notice shall be given pursuant to Idaho Code.

No special meeting shall be held without at least a twenty-four (24) hour and meeting agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to person or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable, or increase the likelihood of severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall

include at a minimum the meeting date, time, place, and name of the public agency calling for the meeting. The Secretary or other designee of each public agency shall maintain a list of the news media requesting notification of meeting and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.

- Section 5(A). EXECUTIVE SESSIONS. Executive sessions of the District Board of Health may be held pursuant to the terms and conditions of Idaho Code 67-2343 and 67-2345. The Board may hold an executive session upon a two-thirds (2/3) vote of the members, recorded in the minutes, after the Chairman or presiding officer has identified the authorization under Idaho Code for holding such an executive session. No executive session may be held for the purpose of taking any final action or making a final decision.

#### **SECTION 6: CHAIRMAN, VICE-CHAIRMAN AND TRUSTEE**

Each year, members of the District Board of Health shall elect a Chairman, Vice-Chairman, and Trustee, who will take office following the election. The Chairman or Vice-Chairman may also serve as Trustee if so appointed by the Board. In cases where the Chairman or Vice-Chairman also serves as the Trustee, the Board may also elect another board member to serve as a member of an Executive Committee, if needed. This election should take place at a meeting nearest to the beginning of the next fiscal year. Removal of an officer may occur with a two-thirds (2/3) vote of the Board of Health.

#### **SECTION 7: VOTING**

Each member of the Board of Health is to have one vote. Proxy votes may be exercised if given in writing. Proxy votes must be declared at the beginning of each meeting.

#### **SECTION 8: REMOVAL OF DISTRICT BOARD OF HEALTH MEMBERS**

A Board Member can be removed by majority vote of all County Commissioners in the District. In addition, a board member may resign by a written letter of resignation to the Chairman of the County Commissioners of his resident county, with copies of the letter provided to the Chairman of the District Board of Health and the Secretary of the Board.

The Chairman of the Board shall notify the County Commissioners of the county the Board Member represents of any member of the Board who is absent from three consecutive meetings. The commissioners from the respective county shall send a letter to the Chairman of the Board stating whether they wish to have the board member continue or appoint a new member.

#### **SECTION 9: DUTIES OF CHAIRMAN**

The Chairman shall preside at all meetings of the District Board of Health, and:

- Shall cause to be called regular and special meetings of the District Board of Health and conduct them in accordance with these By-Laws.
- Shall have all direct powers, implied powers, and duties as stated in Idaho Code Section 39-414 pursuant to due and lawful prior approval of the District Board of Health.
- Shall enforce these By-Laws and perform all duties incident to the position and office, which are required by law, By-Laws, rules and regulations.

- Shall have authority to appoint special subcommittees of the Board as deemed necessary for efficient conduct of the Health District business. Such committees shall be reaffirmed on a yearly basis. Members of these subcommittees will be reimbursed pay for expenses as at regular Board of Health meetings. Meetings of the subcommittee may be called by the Board Chairman, the Secretary, or by the Chairman of the subcommittee as necessary for proper conduct of Health District business. All recommendations of any subcommittee must be confirmed at the following regular Board of Health meeting.

#### **SECTION 10: DUTIES OF VICE-CHAIRMAN**

During the absence and/or inability of the Chairman to render and perform his/her duties or exercise his/her power as set forth in these By-Laws or in statutes under which the Public Health District was established, the same shall be performed and exercised by the Vice-Chairman. When so acting, the Vice-Chairman shall have all these powers and be subject to all the responsibilities hereby given or imposed upon the Chairman.

#### **SECTION 11: DUTIES OF THE TRUSTEE**

The Trustee will attend all meetings of the Trustees of the Idaho Association of District Boards of Health. If the Trustee is unable to represent the Board, the Chairman will appoint another Board Member.

During the absence and/or inability of the Chairman and the Vice-Chairman to render and perform their duties or exercise their powers as set forth in these By-Laws or in acts under which the Public Health District was established, the same shall be performed and exercised by the Trustee. When so acting in this capacity, the Trustee shall have all the powers and be subject to all the responsibilities hereby given or imposed upon the Chairman and Vice-Chairman.

#### **SECTION 12: DUTIES OF THE SECRETARY TO THE BOARD**

The Secretary shall have all direct powers, implied powers, and duties as stated in Idaho Code Section 39-413, in addition to the following duties or responsibilities:

- Be custodian of the records of the organization.
- Present to the District Board of Health all official communications addressed to him by members of the Board and other such communications that are relevant to any business conducted at any meeting of the District Board of Health.
- Give notice of board meetings as advised by the Chairman.
- Assist the chairman in developing an agenda for regular and special board meetings, which will keep board members apprised of public health, training, policy, personnel, and fiscal issues.
- Develop an annual report and/or program summary at the close of each fiscal year.
- Administer and enforce all state and district health laws, regulations and standards.
- To enter into contracts with any other governmental or public agency whereby the district agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant

to this act or chapter 1, Title 39, Idaho Code. All contracts will be ratified by the Board at its next regularly scheduled meeting. Board review and approval of new contracts should occur prior to the contract being signed by the Secretary (Director).

- To accept all moneys or payments received or collected by gift, grant, devise, or any other way deposited to the respective division or subaccount of the public health district in the public health district fund authorized by section 39-422.
- To enter into contracts with other governmental agencies, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district. All contracts will be ratified by the Board at its next regularly scheduled meeting. Board review and approval of new contracts should occur prior to the contract being signed by the Secretary (Director).
- To administer and certify solid waste disposal site operations, closure, and post closure procedures established by statute or regulation in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code.
- Impose orders of isolation and quarantine pursuant to Idaho Code 56-1003(7) and Idaho Code 39-415 in accordance with statutory standards and consistent with rules promulgated by the Idaho Board of Health and Welfare.

### **SECTION 13: SALARY PAYMENT AND REIMBURSEMENT OF BOARD MEMBERS EXPENSES**

Eastern Idaho Public Health District will compensate and pay expenses for Board Members while they are attending a meeting called by the Chairman or the Secretary (Director) and for an official Board meetings, sub-committee meetings, or ad-hoc committee meetings or for those occasions when a Board Member is representing the Board of Health at a meeting approved by either the Board Chairman or District Director. The District will reimburse members for actual expenses in accordance with state travel regulations.

### **SECTION 14: ENFORCEMENT**

The Board is granted by Idaho Code general authority and has the duty of enforcing all State and District health laws and regulations. The Secretary shall recommend to the Board enforcement measures to be taken as necessary to preserve and maintain public health. In the event that an emergency arises which forbids prior notice and recommendations to the Board, the Secretary may implement such action, as he deems necessary to protect the public health. In the event the Secretary implements such emergency action, he/she shall notify the Board of such action by telephone conference call and by written notice as promptly as possible. If any member of the Board disagrees with the emergency action taken by the Secretary, then that member shall call for a special meeting of the Board as provided by these Bylaws. Upon the giving of notice to the Board by the Secretary of emergency action, the failure of any member to object promptly to the action shall constitute ratification by the Board of the measures taken by the Secretary.

The Secretary shall also notify the Board promptly of any legal proceedings filed in any court in which the District is a party.

**SECTION 15: PARLAMENTARY AUTHORITY**

Roberts Rules of Order (Simplified) shall be the governing authority for the order of business and conduct of all meetings of the Board of Health.

**SECTION 16: AMENDMENTS**

These By-Laws may be altered, amended, repealed, or added to by an affirmative two-thirds vote of a quorum of the District Board present at a regular or special meeting called for that purpose. Board Members will be given a 30-day notification of all proposed By-Laws amendments.

Duly passed as the By-Laws of the Eastern Idaho Public Health District Board of Health on this 20<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date